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HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

FELIX DE JESUS
Assistant Corporation Counsel
felixdej@law.nyc.gov
Phone: (212) 356-2377
Fax: (212) 356-1148

MEMORANDUM ENDORSED

February 17, 2023

VIA ECF

Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street, Room 2260
New York, N.Y. 10007-1312

Re: Jason Peters v. The City of New York, et. al., 21 Civ. 8900 (GHW)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendant City of New York (hereinafter "City") in the above-referenced action. Defendant writes to respectfully request that the Court stay the instant matter until May 8th, 2023 because the undersigned has been selected for jury duty. Plaintiff's counsel does not consent to this request.

By way of background, on October 29, 2021, plaintiff commenced this action by filing the Complaint¹. See Civil Docket ¶¶ 1, 6. Plaintiff alleges that, on July 25, 2020, Sergeant Carlos Hills tackled him with extreme force causing severe physical pain and that Police Officer Scott Obenauer and Sergeant Sindy Sanchez unlawfully seized him. See Am. Compl. ¶¶ 16, 34, 37. Plaintiff further alleges that Sergeant Hills approached plaintiff and pointed his baton at his face. See Am. Compl. ¶¶ 41. Plaintiff now brings claims against defendants for, *inter alia*, excessive force, false arrest, and negligent hiring, retention, training, and supervision.

On February 9, 2023, plaintiff filed an Amended Complaint. See Civil Docket ¶ 48.² The docket indicates that Sergeant Hills and Officer Obenauer were served on February 15, 2023 and that Sergeant Sanchez was served on February 16, 2023. The City's Answer is due February 23, 2023, Sergeant Hills and Officer Obenauer's answer are due on March 8, 2023, and Sergeant Sanchez's answer is due on March 9, 2023. The current discovery schedule is that depositions shall be completed by April 24, 2023, fact discovery shall be completed by May 23, 2023, expert discovery shall be completed by June 12, 2023, and motions for summary judgment, if any, shall be filed no later than July 12, 2023.

¹ The Complaint was re-filed on November 3, 2021 due to an initial deficient pleading.

² The Amended Complaint was re-filed on February 10, 2023 due to a deficient pleading.

On February 9, 2023, the undersigned was selected for grand jury duty and, upon information and belief, will be engaged for three months – from February 14th, 2023 to May 5th, 2023. I am expected to be in Court every day during this time period, during the majority of the work day on most days, and will have limited access to my email.

City Defendants respectfully submit that plaintiff will not be prejudiced in any way if Your Honor is inclined to grant this request. To date, the parties have engaged and continue to engage in discovery. With the exception of one NYPD member of service (John Doe #4), plaintiff's counsel is aware of the identity of the other defendants in this case as evidenced by him naming them in his Amended Complaint. As such, if Your Honor is inclined to grant this request, there does not appear to be any issue or concern regarding the statute of limitation.

As such, defendants respectfully request that the Court stay the instant matter until May 8th, 2023.³ Thank you for your consideration herein.

Respectfully submitted,



Felix De Jesus
Assistant Corporation Counsel
Special Federal Litigation Division

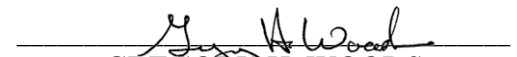
cc: **VIA ECF**
All attorneys of record

The Court hereby schedules a conference for Wednesday, February 22 at 4:00 p.m to discuss the issue raised in this letter. The conference will be conducted by telephone. The parties are directed to the Court's Individual Rules of Practice in Civil Cases, which are available on the Court's website. Rule 2 of the Court's Individual Rules contains the dial-in number for the conference and other relevant instructions. The parties are specifically directed to comply with Rule 2(B) of the Court's Individual Rules.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 56.

SO ORDERED.

Dated: February 18, 2023
New York, New York


GREGORY H. WOODS
United States District Judge

³ Magistrate Judge Cheryl L. Pollack granted a similar stay request in the matter of *Ramsey Smith v. The City of New York*, et. al., 21-CV-4157 (HG) (CLP).